

UK Working Time Directive (WTD)

[This document is NOT a complete or authoritative statement of the law.](#)

Would your company comply?

Has your company a mechanism in place – manual or electronic – to record employee hours?

Are you aware that since November 2001 employers are obliged to put in writing, to each employee, the hours they have worked, public holiday compensation, job descriptions and notifications concerning any rest periods taken?

Can you be sure that no employee is working more than a 48-hour average week?

If a government inspector calls at your door, could you quickly & easily retrieve employee records?

UK Working Time Regulations

The Working Time Regulations introduced for the first time a statutory limit on average weekly hours of work (48 hrs), a legal entitlement to paid leave and new laws on rest breaks, night work and shift patterns.

The Working Time Regulations provides protection for the employee, by specifying:

- A maximum of hours per working week averaging over 17 weeks
- Minimum daily rest periods
- Annual leave entitlement
- Public holiday entitlements for part-time workers
- Requirements to keep records of time worked for 3 years
- Records must capture all hours worked by every employee, including managers, supervisors and operational staff

What are the main provisions of the current Working Time Directive?

The Directive provides a minimum guarantee (depending on age) of:

- A maximum average working week (including overtime) of 48 hours, though workers can choose to work more if they want to, commonly known as 'opt-out' (see Note 1)
- Night work restricted to an average of eight hours in any 24-hour period
- A right for night workers to receive free health assessments
- A minimum daily rest period of 11 consecutive hours in every 24 hours
- A right to an in-work rest break if the working day is longer than 6 hours
- A minimum weekly rest period of 24 hours, including 11 hours daily rest period in every seven-day period
- A right to a day off each working week
- Up to 28 days (5.6 weeks) paid annual leave, effective from 01 Apr 2009. Annual leave entitlement is based on the number of days worked per week.

How is working time defined?

Working time is deemed to be "any period during which the worker is working at the employer's disposal and carrying out his activities or duties, in accordance with national laws and/or practice" (Article 2).

Rest time is defined as "any period, which is not working time". There is no provision under the existing directive for on-call time.

How is the maximum working week calculated?

The maximum week of 48 hours is calculated as an average over a standard reference period of four months (Article 16 of Working Time Directive). This gives employers flexibility to organise work patterns in accordance with the nature of the work. In certain cases, the reference period can be extended to six months, e.g. for employees who work a long way from home, security guards, journalists, postal workers, agricultural workers or transport workers.

In addition, Member States can allow the reference period to be extended to up to one year, under a collective agreement.

Is your organisation WTD compliant?

Employers have a statutory duty to keep records for three years and take reasonable steps to ensure the Working Time Directive limits and policies are complied with.

How a Time and Attendance system can help with payroll cost savings

Payroll departments are normally cost-intensive. As a non-revenue generating department it can be essential for payroll departments to prove their worth and reduce costs.

Technology can assist in this quest. By automating processes within the payroll department, such as using payroll software fed by a time & attendance system, efficiencies can be gained. These range from reducing errors in the payroll work, freeing up payroll staff from queries about incorrect pay, speeding the payroll process and reducing administration time. These benefits have measurable savings.

To whom does the Working Time Directive apply, in the UK?

To all sectors of activity, both public and private.

Air, rail, road, sea, inland waterway and lake transport, sea fishing, other work at sea and the activities of doctors in training are excluded from the 1993 directive but brought within its scope in the 2000 directive.

All the excluded sectors except doctors in training have been covered, under UK national law, since 1 August 2003.

Doctors in training have been covered since 1 August 2004. They will work a maximum week of 56 hours until 2009. From 1 August 2009 their maximum working week falls to 48 hours.

Who is exempt?

EU Member States may exempt three categories of worker from the directive's key provisions:

- Managing executives or other persons with autonomous decision-making power, family workers and workers officiating at religious ceremonies.
- Other categories can be exempted from the directive's key provisions provided that compensatory rest or appropriate protection is granted. These include employees who work a long way from home, or whose activities require a permanent presence or continuity of service or production, or who work in sectors which have peaks of activity. Examples include offshore workers, security guards, journalists, emergency workers, agricultural workers and tour guides.
- Under 18 year olds can work a maximum of 40 hours per week and for 5 days a week.

Note 1. *Explanation of Working Time Limits (48 hour week) in the UK and how the opt-out works*
http://www.direct.gov.uk/en/Employment/Employees/WorkingHoursAndTimeOff/DG_10029426